

Environmental Protection Agency
Resource Conservation and Recovery Act
Report for Fiscal Year 2004

March 18, 2005

Background

Section 6002 of the Resource Conservation and Recovery Act (RCRA) requires the Office of Federal Procurement Policy (OFPP) to report to Congress every two years on the actions taken by Federal agencies to implement the statute. In addition, Executive Order (E.O.) 13101 requires every year that agencies track and report on their purchases of designated U.S. Environmental Protection Agency (EPA) recycled-content items.

In prior years, this report was optional for EPA because OFPP recognized the difficulty in collecting the necessary data, and required the report from only the six largest procuring agencies. Nonetheless, EPA reported annually both quantitative purchasing data, to the extent it could be captured, and anecdotal responses. Beginning this year, all Federal agencies are required to report on their efforts during FY 2004 to implement RCRA Section 6002 and E.O. 13101, and provide purchasing data identified in the attached questionnaire. Consistent with our mission of environmental protection, EPA strongly supports recycling and environmental purchasing, and welcomes the opportunity to participate in the Federal reporting process. The Agency is proud of its recycling efforts and anticipates continuous improvement in recycled-content purchasing.

Methodology

EPA's Office of Acquisition Management (OAM) coordinated responses from various regional and program offices and laboratories, along with information from the Office of Administrative Services (OAS), to provide an overview of recycled-content purchasing, solid waste prevention, and recycling efforts at the Agency. Inasmuch as EPA's automated procurement systems do not support the collection of recycled-content purchasing information, most of the data for this report was collected manually. The only information EPA is able to collect electronically is data on Indicator Item (b), Non-Paper Office Products - Toner Cartridges, purchased using the Agency's purchase card. This data is captured through our Green Office Supplies Blanket Purchase Agreement (BPA), and has been added to the manually collected information. More details about the Green BPA are in 3.h. (Page 9) below.

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

Agency Report for Fiscal Year 2004

Agency or Department: U.S. Environmental Protection Agency

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1. Federal Procurement Data System (FPDS) Data

- a. How many DD 350s or SF 279s did your Agency complete in FY 2004? **10,421 SF 279s**
- b. In FY 2004, how many DD 350s or SF 279s had a code in line B12F (for the DD 350) or block 19A (for the SF 279), which indicate whether EPA-designated items will be acquired? **0**
- c. Provide the number of DD 350s or SF 279s with each code, A-E, in line B12F (for the DD 350) or block 19A (for the SF 279). These codes indicate whether the EPA-designated products must contain the required minimum recycled content, the justification for not requiring recycled content products, or that no EPA-designated products will be acquired under the contract.
 - i. Code A (all EPA-designated products must contain the required minimum recycled content) **0**
 - ii. Code B (availability) **0**
 - iii. Code C (price) **0**
 - iv. Code D (performance) **0**
 - v. Code E (no EPA-designated products acquired) **10,421**
- d. How many of the DD 350s or SF 279s coded A, B, C, or D in block B12F (for the DD 350) or block 19A (for the SF 279) also had a code (A or B) in line B12G (for the DD 350) or block 19B (for the SF 279)? **0**
- e. Provide the number of DD 350s or SF 279s with line B12G (for the DD 350) or block 19B (for the SF 279) coded A or B. **0**
- f. How has the Agency reviewed the FY 2004 FPDS-NG data for compliance assessment and/or trend analyses?

EPA reviewed the FPDS-NG data for compliance but we have not yet performed trend analysis. The data, as reported in 1 above, indicates that the Agency is not consistently reporting recycled-content purchase requirements in FPDS-NG. We intend to complete trend analysis by the end of FY 2005. We also intend to provide guidance to contracting officers on proper FPDS-NG coding.

- g. Please describe findings, changes, and/or actions that were a direct result of the assessments or analyses above. **EPA intends to issue guidance on appropriate recycled-content purchase coding in FPDS-NG.**

2. Indicator Items for EPA-Designated Recycled Content Products

The General Services Administration and the Defense Logistics Agency will provide data for agency purchases directly from them. Please provide amounts for your agency's purchases from other sources, including GSA schedule contractors and your service contractors, including construction contractors, fleet maintenance contractors, and facilities maintenance contractors.

a. Paper: Commercial Sanitary Tissue Products

- i. Does your Agency purchase this item (directly or through contracts)?
Yes X No ___ If no, skip to next section.
- ii. Total dollar amount¹ of these products purchased² by your Agency from sources *other than GSA* in FY 2004 **\$ 93,299.**
- iii. Dollar amount of these products containing recovered materials³ purchased by your Agency from sources *other than GSA* in FY 2004 **\$ 57,251.**
- iv. If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes X No ___ Not Applicable ___
- v. Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2004? **Yes X No ___**. If yes, please describe the impediment(s).

¹ "Total amount" equals the amount of product without recovered materials plus the amount of product with recovered materials.

² Within this document, the term purchased includes both direct government purchases, as well as procurement of products through government contracts.

³ The products designated by EPA are commonly referred to as "CPG-items" or "recycled content products." RCRA refers to them as "products containing recovered materials," which is the term used in this reporting document unless a more specific term, such as re-refined oil or retread tires, is used.

Some of our building management's janitorial providers were unaware of the RCRA 6002 requirements and the specifications for recycled-content for commercial sanitary tissue products. They are currently working with GSA to ensure that purchases meet RCRA 6002 requirements in the future.

b. Non-Paper Office Products: Toner Cartridges

- i. Does your Agency purchase this item (directly or through contracts)?
Yes X No ___ If no, skip to next section.
- ii. Total dollar amount of these products purchased by your Agency from sources *other than GSA or DLA* in FY 2004 **\$1,107,430.**
- iii. Dollar amount of these products containing recovered materials purchased by your Agency from sources *other than GSA or DLA* in FY 2004 **\$830,538.**
- iv. If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes X No ___ Not Applicable ___
- v. Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2004? **Yes X No ___**. If yes, please describe the impediment(s).

Some printer warranties require non-recycled toner cartridges be used, otherwise the warranty is voided.

c. Construction Products: Concrete

- i. Does your Agency purchase concrete (directly or through contracts, e.g., construction contracts)? **Yes X No ___** If no, skip to next section.
- ii. Total amount of concrete purchased and/or used by your Agency in FY 2004: **\$ 397,115 and 12,434 cubic yards **reported****, and/or total number of contracts awarded that required the use of concrete: **4 reported.**
- iii. Amount of concrete containing coal fly ash and/or ground granulated blast furnace slag purchased and/or used by your Agency in FY 2004 **\$372,115 and/or 11,233 cubic yards **reported****, and/or total number of contracts awarded that required the use of concrete containing coal fly ash or ground granulated blast furnace slag **3 reported.**

- iv. If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes X No ___ Not Applicable ___
- v. Were there technical impediments to increasing the amount of concrete containing coal fly ash and/or ground granulated blast furnace slag purchased by your Agency in FY 2004? **Yes X** No___ If yes, please describe the impediment(s).

The quantity of concrete purchased was too small to include fly ash or slag as a requirement.

The lab was unable to locate a local supplier of concrete containing fly ash or slag.

Concrete containing fly ash or slag was not available in the immediate geographical area. An employee added that the characteristics of concrete are changed when using recovered materials.

d. Landscaping Products: Landscaping Timbers

- i. Does your Agency purchase this item (directly or through contracts or other mechanisms)? **Yes X** No ___ If no, skip to next section.
- ii. Total dollar amount of these products purchased by your Agency in FY 2004: **\$ 3,223.**
- iii. Dollar amount of these products containing recovered materials purchased by your Agency in FY 2004: **\$ 2,924.**
- iv. If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes ___ No___ **Not Applicable X**
- v. Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2004? Yes ___ **No X** If yes, please describe the impediment(s).

e. Park and Recreation Products: Park Benches and Picnic Tables

- i. Does your Agency purchase this item (directly or through contracts or other mechanisms)? **Yes X** No ___ If no, skip to next section.
- ii. Total dollar amount of these products purchased by your Agency in FY 2004: **\$ 2,660.**

- iii. Dollar amount of these products containing recovered materials purchased by your Agency in FY 2004: **\$ 380**.
- iv. If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes X No ___ Not Applicable ___
- v. Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2004? Yes ___ **No X**. If yes, please describe the impediment(s).

f. Transportation Products: Traffic Barricades

- i. Does your Agency purchase this item (directly or through contracts or other mechanisms)? **Yes X No ___** If no, skip to next section.
- ii. Total dollar amount of these products purchased by your Agency in FY 2004: **\$ 3,840**.
- iii. Dollar amount of these products containing recovered materials purchased by your Agency in FY 2004: **\$ 2,890**.
- iv. If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes ___ No ___ Not Applicable X
- v. Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2004? Yes ___ **No X** If yes, please describe the impediment(s).

g. Vehicular Products: Rerefined Oil

- i. Does your Agency purchase this item (directly or through contracts or other mechanisms)? **Yes X No ___** If no, skip to next section.
- ii. Total dollar amount of these products purchased by your Agency in FY 2004: **\$ 645**.
- iii. Dollar amount of these products containing recovered materials purchased by your Agency in FY 2004: **\$ 645**.
- iv. If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes ___ No ___ Not Applicable X

- v. Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2004? **Yes X** No _____. If yes, please describe the impediment(s).

There are limited locations offering maintenance service that includes using re-refined oil.

Re-refined oil is not always available for purchase.

h. Miscellaneous Products: Signage

- i. Does your Agency purchase this item (directly or through contracts or other mechanisms)? **Yes X** No _____. If no, skip to next section.
- ii. Total dollar amount of these products purchased by your Agency in FY 2004: **\$ 10,132.**
- iii. Dollar amount of these products containing recovered materials purchased by your Agency in FY 2004: **\$ 120.**
- iv. If this product is purchased using an Agency specification, does that specification require the use of recovered materials?
Yes _____ No ____ **Not Applicable X**
- v. Were there any technical impediments to increasing the purchase of this item by your Agency in FY 2004? **Yes X** No _____. If yes, please describe the impediment(s).

EPA's primary office space is managed by the General Services Administration (GSA), and GSA building management specifies that all signage must meet building-standards and must be ordered from a designated sign company whose signs do not contain recovered material.

3. Solid Waste Prevention, Recycling, and Waste Minimization

- a. Did you institute new, substantially improved, or updated solid waste prevention practices in FY 2004? **Yes X** No _____. Please provide an explanation of your response.

The Agency is continuously instituting and updating solid waste prevention practices. Some examples where the Agency is instituting and improving in this area are as follows:

- EPA began a revised recycling program in its Headquarters facilities with goals of: (1) standardizing the recycling logistics for all EPA HQ buildings; (2) maximizing the amount of materials recycled; (3) minimizing the contamination of recyclables; and (4) boosting employee participation through a comprehensive outreach campaign. The program focuses on the collection of mixed office paper, newspaper, commingled glass/plastic/metal bottles & cans, corrugated cardboard, shredded paper, and toner cartridges. It stresses the importance of placing similar, clearly marked collection bins at convenient locations, with strong emphasis placed on consistency and clarity. To encourage employee participation, the outreach program features kickoff events, posters, handouts, videos, deskside recycling boxes, a new section on EPA's HQ Intranet site, and a mascot named "Slim Bin." In addition, steps were taken to initiate logistics for battery recycling, fluorescent lightbulb recycling, and composting.

- The Environmental Management System (EMS) and the WasteWise Program in the Agency's Region 9 work together to prevent solid waste generation by: installing/leasing duplex capable copiers; adding duplex printers and helping employees set duplex as their computer's default; using e-forms for travel, leave, and procurement requests; and piloting paper use reduction print driver software.

- A recycling station was installed in the cafeteria in the Cincinnati office.

- The Agency's facility in Duluth, MN started a waste food composting program.

- The Agency's facility in Ada, OK has begun a recycling program for all paper, cardboard, glass, metal, and beverage containers.

- The Agency's facilities in Ft. Meade, MD and Gulf Breeze, FL have included solid waste prevention in their EMSs.

- Does your Agency have sites or facilities with composting programs?
Yes X No . If yes, how many facilities or sites? 10 sites.
Estimate the total weight of materials diverted to composting: 12 tons.
- What percentage of offices/sites operated by your Agency have an active office products recycling program? 45 of 47 reporting sites, which is 96 percent of reporting offices/sites.
- What percentage of residential housing operated by your Agency have an active household products recycling program? of sites, which is percent of housing. **Not Applicable** X

- e. What percentage of demolition projects managed by and/or contracted by your Agency include the recovery of construction materials? **4 of 4 projects**, which is **100% percent** of reported demolition projects.
- f. What percentage of the total solid waste⁴ generated by your Agency was diverted to recycling? **1069 of 1708 reported metric tons**, which is **63 percent**.
- g. Does your Agency have an internal awards program in accordance with Executive Order 13101, Section 802? **Yes ___ No X**. Please provide details for your response, or if the response is no, please explain why not.

Currently, EPA does not have an Agency-wide awards program in accordance with E.O. 13101, Section 802. However, throughout the Agency there are several “green”awards and recognition programs such as the following:

- A new EMS program includes recognition for recycling and energy minimization at our Ft. Meade laboratory.**
- The Gulf Breeze laboratory selects a Conserving/Recycling Employee of the Year.**
- The Region X office awards program recognizes employees for solid environmental practices.**
- The Region VI office has a regional awards program that encourages and rewards innovative thinking and solution-oriented recommendations. The office also nominates individuals for participation in national awards such as the Closing the Circle Awards.**

- h. In FY 2004, did your Agency participate in a pilot project to purchase environmentally preferable products or services per the requirements of E.O. 13101, sections 503(b) and 601(c)? **Yes X No ___**. Please provide details for your response.

During FY 2004, EPA participated in a number of pilot projects for purchasing Environmentally Preferable Products (EPP) or services, including:

- A Blanket Purchase Agreement (BPA) was awarded for green office supplies, which gives employees access to over one thousand items that fulfill both E.O. 13101 and recycled-content requirements for buying green. The**

⁴ “Solid waste” refers to municipal solid waste as defined by EPA. Please indicate if your Agency is including other materials, such as construction and demolition debris.

BPA, which creates an on-line, one-stop shop for office supplies, provides access to a commercially-owned, Agency-specific e-catalog (an on-line directory of recycled and other environmentally preferable products), which assists buyers in locating “green” suppliers. It also directs buyers to Javits-Wagner-O’Day (JWOD) organizations that manufacture green supplies. The BPA provides EPA with the capability to track all green purchases made under the agreement, helping the Agency to comply with E.O. 13101 and RCRA reporting requirements. Since the Green BPA award, other office supply retailers have developed similar office supply catalogs and expanded their green product offerings as well. The BPA has been a success story to-date in terms of facilitating green purchasing.

- A Government-Wide Acquisition Contract (GWAC) for Recycling Electronics and Asset Disposition (READ) support was awarded in December 2004. The READ-GWAC provides recycling and disposal services for Information Technology (IT) equipment Government-wide. The contract will provide for recycling and proper distribution of PC desktops, monitors, laptops, printers, fax machines, shredders, copiers, cellular phone, scanners, and other miscellaneous peripherals. All of this equipment contains components that can be recycled, reclaimed, and/or reused in the current marketplace. EPA has received special approval from the Office of Management and Budget (OMB) to provide this service Government-wide. The READ-GWAC is an innovative approach to Government procurement that supports our programmatic needs and the Agency’s mission.

- EPA is in process of establishing policy to provide guidance on obtaining meeting and conference space from environmentally responsible providers. This policy will promote “greening” the conference/hotel industry by providing a demand for environmentally responsible providers. The guidance will include a mandate to acquire green facility space when conducting meetings or conferences planned or funded by EPA; utilization of a checklist to identify green attributes of service providers; and incorporation of contract terms when environmental responsibility is considered in the award decision.

- A new EPP program is currently being documented through the EMS program at our Ft. Meade laboratory.

- The Narragansett lab procures only 100% recycled copy paper.

- A pilot program was launched in Region I to improve janitorial operations by substituting high impact cleaning products with environmentally preferable brands. Products were evaluated using twelve Material Safety Data Sheets (MSDS) and several products of concern were identified. In 2004, the janitorial staff tested and evaluated alternative brands.

- The Region II office attempts to identify EPP in all of its purchases.
- The Region IX office adopted an Affirmative Procurement Plan to purchase environmentally preferable products and services.

4. Management Controls

a. Affirmative Procurement Policy

- i. Does your Agency have a documented policy or procedure for the implementation of the affirmative procurement program (APP) required by section 6002 of RCRA? **Yes X** No
- ii. Does the Agency policy define responsibility for:
 - (1) Conducting awareness training? Yes **No X**
 - (2) Incorporating APP requirements into specifications and contracts? **Yes X** No
 - (3) Establishing and measuring progress toward APP objectives? **Yes X** No
 - (4) Reporting progress? Yes **No X**
 - (5) Management review? Yes **No X**

If the answer to any question is no, please explain why not.

EPA's current APP policy does not specifically address the responsibility for conducting awareness training for the APP. The Agency's APP policy will be updated to include awareness training.

EPA's APP does not define the responsibility for reporting the APP progress. The APP does indicate that the Agency's Recycling Program Director reviews the range of estimates and certifications received, with the assistance of OAM, to determine whether the APP is effective. OAM also assists with consolidating the Agency's progress regarding the CPG and EPP purchases.

The responsibility for providing management review is not specifically identified in the Agency's APP. OAM will discuss this issue further with the Agency's Recycling Program Director and revise the APP accordingly.

- iii. Does your Agency have a requirement to routinely update the affirmative procurement policy? **Yes X** No If so, is the APP policy reviewed/updated in accordance with this plan? **Yes X** No . Has the Agency affirmative procurement policy been updated within the past three years? **Yes X** No

- iv. Please attach a copy of or provide the URL for the website for your Agency APP policy. <http://epawww.epa.gov/oamintra/policy/cmm.pdf> (scroll down to Chapter 13)

b. Training

- i. Who is responsible for conducting training of agency personnel with respect to the buy-recycled requirements?

EPA has a structured training curriculum listing mandatory acquisition training courses for developing 1102 contracting officers. The program addresses APP as part of the overall acquisition process.

OAM conducts a one-day traditional classroom training entitled "Purchase Card Training." This training addresses "buying green" for purchase card users and other acquisition personnel. Effective in FY2004, all current purchase card program personnel are required to attend refresher training, at least every 3 years.

The APP is discussed in all mandatory recertification training for technical program personnel. The mandatory training is a one day course, required every three years.

- ii. How many acquisition personnel have documented APP training within the past three years? 2,387 of 3,303 personnel, which is 72% percent. (FY02 = 699, FY03 = 713, FY04 = 975)

EPA has 3,303 total acquisition personnel including contract specialists, contracting officers, purchase card holders, and contracting officer representatives. In the past three years 2,387 acquisition personnel have received APP training, which equates to 72%.

- iii. Is training provided by agency personnel, an outside source (e.g., Defense Acquisition University's contracting officer training courses), or both?

EPA personnel coordinate and conduct much of the training for US EPA employees, however, we also use the services of Defense Acquisition University, the Treasury Acquisition Institute, FAI On-line and contractors providing equivalent courses.

- iv. What percentage of purchase card holders have documented APP training within the past three years, as required by Executive Order 13101?

Out of 1,872 cardholders, 100% have received APP training.

- v. Who provides the training to purchase cardholders?

The training for Agency purchase cardholders is the responsibility of EPA employees in the Office of Acquisition Management.

- vi. How is training of purchase card users documented?

Training for purchase card users is documented in EPA's Acquisition Training System (ATS) database.

l) Auditing

- i. What percentage of Agency facilities conducted and documented contracting and/or environmental audits⁵ for APP compliance during this reporting period? 0% percent
- ii. Does the Agency conduct trend analysis of audit, training, and FPDS data to assess APP program effectiveness? Yes__ No X
- iii. What types of trends are realized as a result of findings from these audits? Unknown.
- iv. Are audit findings reported to senior facility management? Yes __ No__ **Not Applicable X**
- v. Are corrective actions from these audit findings tracked by senior facility management? Yes__ No __ **Not Applicable X**
- vi. Provide a copy of or the URL for the website for your Agency APP audit protocol, procedure, or other similar program document⁶. None

m) Agency Goals

- i. As required by E.O. 13101, what is your agency's goal for solid waste diversion by 2005? 35% By 2010? 100%
- ii. What is your agency's current recycling or diversion rate?
- EPA's current recycling rate is 63% (1,069 of 1,708 recycled metric tons).**

⁵ Includes internal, corporate, external, or other audits

⁶ A sample audit protocol is attached; however, use of this protocol is not mandatory.

- iii. What is your agency's goal to increase the procurement of EPA-designated recycled content products?

In FY2003, EPA set 10 goals that it will use to promote and achieve the increased and preferential use of materials with recycled content. These goals were accepted and approved by the Assistant Administrator for OARM in October 2002. The goals are listed online at <http://www.epa.gov/greeningepa/p2/eppgoals.htm> and include objectives for 2005 and 2010 in the following "green" categories: (1) buildings; (2) janitorial and maintenance services; (3) copy paper and publications; (4) meetings; (5) office supplies; (6) electronics; (7) fleets; (8) landscaping; (9) power; and (10) recycling and waste prevention. EPA staff organize monthly meetings to provide the Agency with a status report on these goals, measuring progress with both quantitative data and anecdotal information.

- iv. As required by E.O. 13101, does your agency have a goal for increasing the use of environmentally preferable products? Y___ N X If yes, what is the goal? ___ How are you measuring progress toward the goal?

The Agency has set 10 goals that will be used to promote and achieve an increase and preferential use of materials with recycled contents and preferential use of environmentally preferable products. EPA's 10 goals support the requirements of E.O. 13101.